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10/681,782	10/08/2003	Fabio Casati	82175660	6697

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EXAMINER	
NEURAUTER, GEORGE C	

ART UNIT	PAPER NUMBER
2447	

NOTIFICATION DATE	DELIVERY MODE
01/12/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	**Application No.** 10/681,782	**Applicant(s)** CASATI ET AL.
	Examiner George C. Neurauter, Jr.	**Art Unit** 2447

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2011*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *1,4-11,13-23,25,26,29 and 30* is/are pending in the application.
5a) Of the above claim(s) _____ is/are withdrawn from consideration.
6)☒ Claim(s) *25 and 26* is/are allowed.
7)☒ Claim(s) *1,4-11,13-23,25,26,29 and 30* is/are rejected.
8)☐ Claim(s) _____ is/are objected to.
9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.
11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☐ All b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

It is noted for the record that a new Examiner has been assigned to this case. Any future correspondence regarding the application should be directed to the Examiner listed below.

Response to Arguments

Applicant’s arguments with respect to claims 25-26 have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

Applicant's arguments regarding claims 1, 4-11, 13-21, and 29-30 have been fully considered but are moot in view of the new grounds of rejection.

Applicant's arguments regarding claims 22-23 have been fully considered but they are not persuasive.

The Applicant argues that Fraenkel does not teach or suggest “wherein the metrics library is included in a web services manager". However, the Examiner is not persuaded by these remarks. In view of the broadest reasonable interpretation of the claim, any element that is able to have included with it a "metrics library", absent any other accompanying recitations further describing the element and any other functionality, can be interpreted to be a "web services manager". Fraenkel disclosed that "Another database accessible to the database query module 284 is the dependency rules database 290, which contains a list of all dependency rules in the RCA system 168.” (see paragraph 0233) Therefore, it may be interpreted, based on the requirements of the claim, that the “RCA system” includes the “metrics library” and therefore may be interpreted as corresponding to a “web services manager”.

Claim Interpretation

The Examiner notes that there is no express definition of "tracking" as described in the specification. However, the element "SOAP tracker" is defined as "A Simple Object Access Protocol (SOAP) tracker 210 may log messages, information regarding who sent the messages, when the messages were sent, and with which parameters." which provides what appears to be an indirect definition of what "tracking" with a "SOAP tracker" comprises and will be used to consider the notion of "tracking" in light of the prior art.

The claims will be examined commensurate with these findings.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. *Claims 22-23* are rejected under 35 U.S.C. 102(e) as being anticipated by Fraenkel et al. (US20020198985A1).

3. With regard to *claim 22*, Fraenkel discloses a method for creating custom metrics for monitoring performance of web-based services comprising:

- *providing a metrics construction model;* (Fraenkel, para.86)

  Fraenkel discloses, *"In the preferred embodiment, the testcases include conventional test scripts (either in textual or executable form) that are "played" by the agent computers 40, although the testcases could alternatively*

  be in other forms". Hence, Fraenkel teaches of testcases (i.e., Applicants' metrics construction model) including conventional test scripts (i.e., Applicants' metrics library containing metrics definitions) to test the performance of a transactional server.

- *providing a metrics library containing metrics definitions;* (Fraenkel, para.86)

  Fraenkel discloses, *"In the preferred embodiment, the testcases include conventional test scripts (either in textual or executable form) that are "played" by the agent computers 40, although the testcases could alternatively*

  be in other forms". Hence, Fraenkel teaches of testcases (i.e., Applicants' metrics construction model) including conventional test scripts (i.e., Applicants' metrics library containing metrics definitions) to test the performance of a transactional server.

- *selecting at least one built-in metric function from the metrics library; and* (Fraenkel, para.86)

  Fraenkel discloses, *"In the preferred embodiment, the testcases include* *conventional test scripts (either in textual or executable form) that are "played" by the agent computers 40, although the testcases could alternatively be in other forms".* Hence, Fraenkel teaches of testcases (i.e., Applicants' metrics construction model) including conventional test scripts (i.e., Applicants' at least one built-in metric function from the metrics library) to test the performance of a transactional server.

- *customizing the selected built-in metric function based on the metrics construction model by selecting parameters for the built-in metric function, wherein the metrics library is included in a web services manager ("WSM").* (Fraenkel, para.95)

  Fraenkel discloses, *"As illustrated in FIG. 1, the controller 34 preferably includes or interoperates with a recorder 34A that provides functions for recording and editing transactions to be included within testcases… Other existing tools and testcase generation methods could be used to generate the testcases".* Hence, Fraenkel teaches recording and editing (i.e., Applicants' customizing the selected built-in metric function) transactions to be included within testcases.

4. With regard to *claim 23*, Fraenkel discloses a method for creating custom metrics for monitoring performance of web-based services comprising:

- *wherein the metrics construction model includes an algorithm for assembling the selected at least one metric function and the selected parameters into a custom metric.* (Fraenkel, para.95)

  Fraenkel discloses, *"As illustrated in FIG. 1, the controller 34 preferably includes or interoperates with a recorder 34A that provides functions for recording and*

  editing transactions to be included within testcases... Other existing tools and testcase generation methods could be used to generate the testcases".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. *Claims 1, 4-11 and 13-21* are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraenkel et al. (US20020198985A1), in view of Curley et al. (US 20020120727A1) and further in view of Lai (US7698398B1).

7. With regard to *claims 1 and 11*, Fraenkel discloses a method and computer system for monitoring performance of web-based services,

- *receiving a transaction from a client;* (Fraenkel, para.85)

  Fraenkel discloses, *"The term "transactional server" refers to a multi-user system which responds to requests from users to perform one or more tasks or "transactions," such as viewing account information, placing an order, performing a search, or viewing and sending electronic mail"*. Hence, Fraenkel teaches of receiving requests to perform one or more tasks or transactions (i.e., Applicants' transaction) from users (i.e., Applicants' from a client).

- *routing the transaction to an appropriate web service for execution of the transaction;* (Fraenkel, para.228)

  Fraenkel discloses, *"The RCA Internet server 268 includes a RCA controller 274 that receives requests from the user devices, such as the browser 100, and forwards the requests to the appropriate RCA system component"*. Hence, Fraenkel teaches of forwarding (i.e., Applicants' routing) the request to perform a task or transaction (i.e., Applicants' transaction) to the appropriate RCA system component (i.e., Applicants' to an appropriate web service).

- *executing the transaction;* (Fraenkel, para.14)

  Fraenkel discloses, *"During the monitoring session, each agent computer executes its assigned transactions according to its assigned execution* *schedule, and generates performance data that indicates one or more characteristics of the transactional server's performance. The performance data may include, for example, the server response time and pass/fail status of each transaction execution event".* Hence, Fraenkel teaches of executing the assigned transactions (i.e., Applicants' transaction).

- *monitoring and logging transaction execution performance data relating to receiving and executing the transaction; and* (Fraenkel, para.14)
  Fraenkel discloses, *"During the monitoring session, each agent computer executes its assigned transactions according to its assigned execution schedule, and generates performance data that indicates one or more characteristics of the transactional server's performance… The agent computers preferably report the performance data associated with a transaction immediately after transaction execution, so that the performance data is available substantially in real-time for viewing and generation of alert notifications. In the preferred embodiment, the performance data generated by the various agent computers is aggregated in a centralized database which is remotely accessible through a web-based reports server…"* Hence, Fraenkel teaches of executing the assigned transactions (i.e., Applicants' transaction), monitoring performance data associated with each transaction (i.e.,

Applicants' transaction execution performance data) and aggregating (i.e., Applicants' logging) them in a report server.

- *reporting the performance data based on pre-defined performance metrics;* (Fraenkel, para.22-23)

  Fraenkel discloses, *"To evaluate the potential sources or causes of a detected performance degradation, a set of predefined dependency rules is used to identify additional, lower level parameters (e.g., network response time, server time, DNS lookup time, etc.) associated with specific potential causes or sources of the performance degradation… The results of the RCA analysis are preferably presented in an expandable tree collections of related measurements are represented by nodes, and in which parent-child relationships between the nodes indicate predefined dependencies between performance parameters".* Hence, Fraenkel teaches of performing a root cause analysis to determine the potential sources or causes of a detected performance degradation based on a set of predefined rules (i.e., Applicants' pre-defined performance metrics) and presenting the results (i.e., Applicants' reporting the performance data) to the end users.

However, Fraenkel does not explicitly disclose,

- *wherein receiving the transaction includes communicating, … the information to a web services manager (WSM) for performance analysis.*

Curley teaches,

- *wherein receiving the transaction includes communicating, … the information to a web services manager (WSM) for performance analysis.* (Curley, para.14)

  Curley discloses, *"While real-time monitoring and immediate problem solving are useful, it is equally important to review historical trends to identify system weak spots so Web managers can design better networks or redesign their Web systems to improve future performance. Network monitor can provide numerous reports, which allow the Web manager to analyze whether performance problems are occurring outside the firewall, and if so, devise solutions. Those might include, e.g., working with an ISP to achieve better backbone peering or setting up distributed caching solutions"*. Hence, Curley teaches of the web manager (i.e., Applicants' WSM) performing performance analysis.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Curley with the teachings of Fraenkel to effectively monitor the performance of the system as well as the network.

However, Fraenkel and Curley do not explicitly disclose,

- *wherein receiving the transaction includes tracking, via a Simple Object Access Protocol ("SOAP") tracker, of information relating to the transaction;*

- *wherein receiving the transaction includes communicating, via the SOAP tracker, the information to a web services manager (WSM) for performance analysis.*

Lai teaches,

- *wherein receiving the transaction includes tracking, via a Simple Object Access Protocol ("SOAP") tracker, of information relating to the transaction;* (Lai, column 50, lines 45-67, column 51, lines 1-17) (see also columns 51-53 for more general disclosure of the “SOAP logger”)
- *wherein receiving the transaction includes communicating, via the SOAP tracker, the information to a web services manager (WSM) for performance analysis* (Lai, column 52, lines 7-16)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Lai with the teachings of Fraenkel and Curley to effectively monitor the performance of the system as well as the network.

8. With regard to *claims 4 and 14*, Fraenkel, Curley and Lai disclose a method and computer system for monitoring performance of web-based services (see *claims 1 and 11* rejection as detailed above).

- *wherein the routing step is performed by a SOAP router or application server.* (Lai, column 5, lines 45-47)

9. With regard to _claims 5 and 15_, Fraenkel, Curley and Lai disclose a method and computer system for monitoring performance of web-based services (see *claims 1 and 11* rejection as detailed above).

- *wherein the monitoring and logging step includes the use of a service registry and a service composition engine to record and store data in service execution logs relating to instances of conversation transaction or composition transaction.* (Fraenkel, para.14)

  Fraenkel discloses, *"During the monitoring session, each agent computer executes its assigned transactions according to its assigned execution schedule, and generates performance data that indicates one or more characteristics of the transactional server's performance… The agent computers preferably report the performance data associated with a transaction immediately after transaction execution, so that the performance data is available substantially in real-time for viewing and generation of alert notifications. In the preferred embodiment, the performance data generated by the various agent computers is aggregated in a centralized database which is remotely accessible through a web-based reports server…"*

10. With regard to _claims 6 and 17_, Fraenkel, Curley and Lai disclose a method and computer system for monitoring performance of web-based services (see *claims 1 and 11* rejection as detailed above).

- *wherein the reporting step is performed by the WSM.* (Curley, para.14)

  Curley discloses, *"While real-time monitoring and immediate problem solving are useful, it is equally important to review historical trends to identify system weak spots so Web managers can design better networks or redesign their Web systems to improve future performance. Network monitor can provide numerous reports, which allow the Web manager to analyze whether performance problems are occurring outside the firewall, and if so, devise solutions. Those might include, e.g., working with an ISP to achieve better backbone peering or setting up distributed caching solutions"*. Hence, Curley teaches of the web manager (i.e., Applicants' WSM) performing performance analysis.

11. With regard to *claims 7-8, 10, 16, 19 and 21*, Fraenkel, Curley and Lai disclose a method and computer system for monitoring performance of web-based services (see *claims 1 and 11* rejection as detailed above).

- *wherein the reporting step includes extracting data from a service registry or the service execution logs for use by the WSM to generate performance reports.* (Fraenkel, para.14; Curley, para.14)

  Fraenkel discloses, *"During the monitoring session, each agent computer executes its assigned transactions according to its assigned execution schedule, and generates performance data that indicates one or more characteristics of the transactional server's performance… The agent* *computers preferably report the performance data associated with a transaction immediately after transaction execution, so that the performance data is available substantially in real-time for viewing and generation of alert notifications. In the preferred embodiment, the performance data generated by the various agent computers is aggregated in a centralized database which is remotely accessible through a web-based reports server…"* Curley discloses, *"Network monitor can provide numerous reports, which allow the Web manager to analyze whether performance problems are occurring outside the firewall, and if so, devise solutions".*

- *wherein the WSM further includes a WSM definer, a metric schema and a WSM engine to generate performance reports.* (Curley, para.14)

  Curley discloses, *"Network monitor can provide numerous reports, which allow the Web manager to analyze whether performance problems are occurring outside the firewall, and if so, devise solutions".*

- *wherein the WSM engine communicates with a web framework and related application servers to provide performance reports to business or IT personnel.* Curley, para.14)

  Curley discloses, *"Network monitor can provide numerous reports, which allow the Web manager to analyze whether performance problems are occurring outside the firewall, and if so, devise solutions".*

12. With regard to *claim 13*, Fraenkel, Curley and Lai disclose a method and computer system for monitoring performance of web-based services (see *claims 1 and 11* rejection as detailed above).

- *wherein the tracking system receives tracking information relating to the transaction and communicates the information to a web services manager (WSM).* (Curley, para.14)

  Curley discloses, *"While real-time monitoring and immediate problem solving are useful, it is equally important to review historical trends to identify system weak spots so Web managers can design better networks or redesign their Web systems to improve future performance. Network monitor can provide numerous reports, which allow the Web manager to analyze whether performance problems are occurring outside the firewall, and if so, devise solutions. Those might include, e.g., working with an ISP to achieve better backbone peering or setting up distributed caching solutions"*. Hence, Curley teaches of the web manager (i.e., Applicants' WSM) performing performance analysis.

13. With regard to *claim 18*, Fraenkel, Curley and Lai disclose a method and computer system for monitoring performance of web-based services (see *claims 1 and 11* rejection as detailed above).

- *wherein the reporting system receives data from a service registry or service execution logs and transmits the data to the WSM.* (Curley, para.14)

  Curley discloses, *"While real-time monitoring and immediate problem solving are useful, it is equally important to review historical trends to identify system weak spots so Web managers can design better networks or redesign their Web systems to improve future performance. Network monitor can provide numerous reports, which allow the Web manager to analyze whether performance problems are occurring outside the firewall, and if so, devise solutions. Those might include, e.g., working with an ISP to achieve better backbone peering or setting up distributed caching solutions"*. Hence, Curley teaches of the web manager (i.e., Applicants' WSM) performing performance analysis.

14. With regard to *claims 9 and 20*, Fraenkel, Curley and Lai disclose a method and computer system for monitoring performance of web-based services (see *claims 1 and 11* rejection as detailed above).

15. Lai disclosed:

- *wherein the WSM engine receives data from a SOAP tracker and data relating to conversation definitions, composition service definitions and related execution data.* (Lai, column 28, lines 55-67, column 49, lines 29-46, column 52, lines 7-16)

16. *Claim 29* is rejected under 35 U.S.C. 103(a) as being unpatentable over Fraenkel et al. (US20020198985A1) and in view of Lai (US7698398B1).

17. With regard to *claim 29*, Fraenkel a computer-readable storage medium for storing an executable set of software instructions, wherein the instructions are configured for managing business-oriented web services by a method comprising:

- *transmitting a transaction from a client to an appropriate web service for execution of the transaction;* (Fraenkel, para.85)
  Fraenkel discloses, *"The term "transactional server" refers to a multi-user system which responds to requests from users to perform one or more tasks or "transactions," such as viewing account information, placing an order, performing a search, or viewing and sending electronic mail"*. Hence, Fraenkel teaches of receiving requests to perform one or more tasks or transactions (i.e., Applicants' transaction) from users (i.e., Applicants' from a client). Fraenkel discloses, *"The RCA Internet server 268 includes a RCA controller 274 that receives requests from the user devices, such as the browser 100, and forwards the requests to the appropriate RCA system component"*. Hence, Fraenkel teaches of forwarding (i.e., Applicants' routing) the request to perform a task or

transaction (i.e., Applicants' transaction) to the appropriate RCA system component (i.e., Applicants' to an appropriate web service).

- *executing the transaction;* (Fraenkel, para.14)

  Fraenkel discloses, *"During the monitoring session, each agent computer executes its assigned transactions according to its assigned execution schedule, and generates performance data that indicates one or more characteristics of the transactional server's performance. The performance data may include, for example, the server response time and pass/fail status of each transaction execution event"*. Hence, Fraenkel teaches of executing the assigned transactions (i.e., Applicants' transaction).

- *monitoring and logging transaction execution performance data relating to transmitting and executing the transaction to a service execution log; extracting the performance data from the service execution log;* (Fraenkel, para.14)

  Fraenkel discloses, *"During the monitoring session, each agent computer executes its assigned transactions according to its assigned execution schedule, and generates performance data that indicates one or more characteristics of the transactional server's performance… The agent computers preferably report the performance data associated with a transaction immediately after transaction execution, so that the performance data is available substantially in real-time for viewing and* *generation of alert notifications. In the preferred embodiment, the performance data generated by the various agent computers is aggregated in a centralized database which is remotely accessible through a web-based reports server…"* Hence, Fraenkel teaches of executing the assigned transactions (i.e., Applicants' transaction), monitoring performance data associated with each transaction (i.e., Applicants' transaction execution performance data) and aggregating (i.e., Applicants' logging) them in a report server.

- *parsing the performance data into a format readable by a web services manager; and* (Fraenkel, para.15)

  Fraenkel discloses, *"In accordance with another aspect of the invention, the reports server generates reports which indicate the performance of the transactional server separately for the various operator-specified attributes".* Hence, Fraenkel teaches of generating (i.e., Applicants' parsing performance data) reports (i.e., Applicants' format readable by web services manager) indicating the performance of the transactional server.

- *compiling the performance data into a report.* (Fraenkel, para.22-23)

  Fraenkel discloses, *"To evaluate the potential sources or causes of a detected performance degradation, a set of predefined dependency rules is used to identify additional, lower level parameters (e.g., network response time, server time, DNS lookup time, etc.) associated with*

> *specific potential causes or sources of the performance degradation… The results of the RCA analysis are preferably presented in an expandable tree collections of related measurements are represented by nodes, and in which parent-child relationships between the nodes indicate predefined dependencies between performance parameters".* Hence, Fraenkel teaches of performing a root cause analysis to determine the potential sources or causes of a detected performance degradation based on a set of predefined rules (i.e., Applicants' pre-defined performance metrics) and presenting the results (i.e., Applicants' reporting the performance data) to the end users.

However, Fraenkel does not explicitly disclose,

- *…(using) a Simple Object Access Protocol ("SOAP") tracker (to perform the monitoring and logging transaction execution performance data relating to transmitting and executing the transaction to a service execution log)*

Lai teaches,

> *…(using) a Simple Object Access Protocol ("SOAP") tracker (to perform the monitoring and logging transaction execution performance data relating to transmitting and executing the transaction to a service execution log)* (Lai, column 50, lines 45-67, column 51, lines 1-17) (see also columns 51-53 for more general disclosure of the "SOAP logger")

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Lai with the teachings of Fraenkel to effectively monitor the performance of the system as well as the network.

18. *Claim 30* is rejected under 35 U.S.C. 103(a) as being unpatentable over Fraenkel et al. (US20020198985A1), in view of Lai (US7698398B1) and further in view of Curley et al. (US 20020120727A1).

19. With regard to *claim 30*, Fraenkel and Lai disclose a method and computer system for monitoring performance of web-based services (see *claim 29* rejection as detailed above).

However, Fraenkel and Lai do not explicitly disclose,

- *wherein the compiling step is coordinated by a web services manager.*

Curley teaches,

- *wherein the compiling step is coordinated by a web services manager.* (Curley, para.14)

  Curley discloses, *"While real-time monitoring and immediate problem solving are useful, it is equally important to review historical trends to identify system weak spots so Web managers can design better networks or redesign their Web systems to improve future performance. Network*

> *monitor can provide numerous reports, which allow the Web manager to analyze whether performance problems are occurring outside the firewall, and if so, devise solutions. Those might include, e.g., working with an ISP to achieve better backbone peering or setting up distributed caching solutions".* Hence, Curley teaches of the web manager (i.e., Applicants' WSM) performing performance analysis.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Curley with the teachings of Fraenkel and Lai to effectively monitor the performance of the system as well as the network.

Allowable Subject Matter

Claims 25-26 are allowed in view of the cited prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571)272-3918. The examiner can normally be reached on the hours between 8:30am-5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joon Hwang, can be reached on 571-272-4036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George C Neurauter, Jr./
Primary Examiner, Art Unit 2447